IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Court's order whether the case is or not approved for reporting

(Chapter VIII, Rule 23(2) (b)

Description of Case

Writ Petition No. 333 of 2006 (S/B)

Date of decision:-29.03.2007

~~**A.F.R. (Approved for Reporting)**~~

Not approved for reporting

Date:- 29.03.2007 Initials of Judge

Note:- Bench Reader will attach this at the top of the first page of the judgment when it is put up before the judge for signature.

HIGH COURT OF UTTARAKHAND, AT NAINITAL

Writ Petition No. 333 of 2006 (S/B)

J.S. Dobal aged about 59 years
S/o late Kesar Singh Dobal
Presently posted as Principal/Join Director
Technical Education, Srinagar Garhwal
District Pauri Garhwal ...Petitioner

Versus

1. State of Uttaranchal through the Secretary
   Technical Education
   Government of Uttaranchal
   Dehradun
2. Sri A.S. Bisht, Principal Government
   Polytechnic Kashipur
   District U.S. Nagar .....Respondents

Delivery of Judgment :-29th March, 2007

Mr. B.D. Upadhyay and Mr. Vinod Tiwari, Advocates for the petitioner.
Mr. Subhash Upadhyaya, Standing Counsel for the respondent nos. 1.
Mr. V.K. Bisht, Advocate for respondents no.2.

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

Per:- Hon'ble J.C.S. Rawat, J.

1. By means of this writ petition filed under Article 226 of the Constitution of India, the petitioner has sought the following reliefs:-

(i) Issue a writ, order or direction in the nature of certiorari to call for the record of the case and quash the impugned order dated 10.11.2006 passed by the respondent no. 1 contained in Annexure No.1 to the writ petition.

(ii) Issue any other writ, order or direction as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.

(iii) To award the cost throughout to the petitioner.

2. The petitioner is working as Principal in the Government Polytechnic, Srinagar, District Pauri Garhwal w.e.f. 14.07.2002 and he is also having the additional charge of Joint Director, Technical Education, Directorate of Technical Education, Srinagar, District Pauri Garhwal. The department with a view to handover the charge of the Joint Director, Technical Education to the respondent no.2-Sri A. S. Bisht has passed the impugned order 10.11.2006 directing the respondent no.2-Sri A.S. Bisht to take charge of Joint Director, Technical Education, Directorate of Technical Education, Srinagar District Pauri Garhwal. Feeling aggrieved by this, the present petition has been filed.

3. Heard learned counsel for the parties and perused the record.

4. The charge of Joint Director, Technical Education, Directorate of Technical Education, Srinagar, District Pauri Garhwal is given to the senior most Principal of the Government Polytechnic. Now, the main controversy involved in this writ petition is with regard to the senior most Principal of Government Polytechnic. This Court has decided the Writ Petition No. 304(S/B)2005 J. S. Dobhal Vs. State of Uttaranchal & others in which it has been held that the respondent no.2-Sri A.S. Bisht is senior to the petitioner-J.S. Dobal. The petitioner has himself stated in para 6 of the present petition that the charge of Joint Director, Technical Education, Directorate of technical Education, Srinagar, District Pauri Garhwal is given to the senior most Principal of the Government Polytechnic.

5. In view of the Judgment passed in Writ Petition No.304(S/B)2005 J. S. Dobhal Vs. State of Uttaranchal & others, we are of the view that the respondent no.2-Sri A. S. Bisht should have been given the charge of Joint Director, Technical Education, Directorate of Technical Education, Srinagar, District Pauri Garhwal as he is the senior most Principal. Therefore, the petitioner is not entitled to hold the charge of Joint Director, Technical Education, Directorate of Technical Education, Srinagar, District Pauri Garhwal.

6. In view of the foregoing discussion, the writ petition has been rendered infructuous and is dismissed as such.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C.J.)**

Dated 29th March, 2007
LSR